

In the Drawings:

The Applicant submits herewith replacement drawing sheets for Figures 6, 7A-7D, 8, 9A, 9B, and 10. No new matter is introduced in these replacement drawings.

REMARKS

The Applicant has received and reviewed the Official mailed by the Office on 10 January 2006 (hereinafter, the "Action").

The Applicant previously elected claims 1-27 for examination without traverse, and thus claims 1-27 are pending. Claims 28-66 are withdrawn. For convenience, these remarks are organized under appropriate heading, as indicated below.

Drawing Objections

Paragraph 1 of the Action stated objections to Figures 6, 7A-7D, 8, 9A, 9B, and 10 of the drawing figures. In response thereto, the Applicant submits replacement drawing sheets for Figures 6, 7A-7D, 8, 9A, 9B, and 10. The Applicant requests reconsideration and withdrawal of the objections stated in Paragraph 1 of the Action.

Informalities in the Specification and Claims

Paragraph 2 stated an objection to the specification, citing an informality in Paragraph [0041] thereof. The Applicant has addressed this informality as indicated in the replacement Paragraph [0041] above. The Applicant requests reconsideration and withdrawal of the objection stated in Paragraph 2 of the Action.

1 Paragraph 3 stated objections to claims 1-27, citing informalities in claims 1
2 and 19, claim 8, and claim 13. The Applicant has addressed these informalities in
3 the listed claims, and requests reconsideration and withdrawal of the objections
4 stated in Paragraph 3 of the Action.

5
6 Rejections under 35 U.S.C. § 112, 1st Paragraph

7 Paragraph 5 of the Action stated rejections of claims 1-18 and 22-27
8 under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the enablement
9 requirement. The Applicant respectfully traverses these rejections for the reasons
10 stated below.

11
12 Paragraph 6 stated rejections of claims 10 and 22, noting the claim language
13 “calculating outcome data” in particular. The Applicant submits that the
14 specification provides several examples of “outcomes research” and “outcome
15 information” in, for example, Paragraphs [0065] and [0066]. The Applicant
16 submits also that these paragraphs enable the claim language “calculating outcome
17 data”. More particularly, Paragraph [0066] provides an example of sending e-
18 mails recommending mammogram procedures to women over forty years of age.
19 In light of these comments, the Applicant requests reconsideration and withdrawal
20 of the rejections of claims 10 and 22 as stated in Paragraph 6 of the Action.

21
22 Paragraph 7 stated rejections of claims 11, 12, and 23, noting the claim
23 language “calculating service usage” in particular. Without conceding the
24
25

1 propriety of the stated rejection, and only to advance prosecution of this matter, the
2 Applicant has amended claims 11 and 23 as indicated above. The Applicant
3 submits that these revisions to claim 11 are supported at least by Paragraph [0087].
4 In light of these revisions to claims 11 and 23, the Applicant requests
5 reconsideration and withdrawal of the rejections of claims 11, 12, and 23 as stated
6 in Paragraph 6 of the Action.
7

8 Paragraph 8 stated rejections of claims 13-15 and 24, noting the claim
9 language "calculating performance metrics ..." in particular. However, the
10 Applicant submits that the specification describes in, for example,
11 Paragraph [0075] a process by which service providers may query feedback
12 statistics relating to their performance. For convenience, the Applicant reproduces
13 part of Paragraph [0075] here:
14

15
16 **[0075]** All service providers may require administrative information
17 concerning billing, or scheduling, for example appointment scheduling.
18 The system according to the invention also provides all service providers
19 with the ability to query feedback statistics on their performance. This
20 feature gives service providers information needed to upgrade their
21 performance in areas users identify as deficient. All service provider
22
23
24
25

The Applicant also reproduces Paragraph [0086] here for convenience:

[0086] At the end of the conference, Steve receives an inquiry concerning the appointment he just had with his doctor. Steve fills out an inquiry form, which is transmitted to the database as part of the assessment process for the service provider. Steve also receives from server 101 on-line information detailing the results of his consultation, including patient instructions, precautions, follow-up information and

In the example described in Paragraph [0086], the patient (Steve) completes an assessment form which is used as part of the assessment process for the service provider. In this example, the service provider is a doctor who treated Steve for a cough.

The Applicant submits that at least the above paragraphs enable the claim language “calculating performance metrics by service providers”. In light of these comments, the Applicant requests reconsideration and withdrawal of the rejections of claims 13-15 and 24 as stated in Paragraph 8 of the Action.

Paragraph 9 stated rejections of claims 16-18 and 25-27, noting the claim language “wherein the service response is determined based on ...” in particular. However, the Applicant submits that the specification describes an example of a scenario in which a patient named Steve discusses a medical condition during a videoconference with his physician, and receives treatment for the medical condition as a result of this conference. Paragraphs [0081] through [0088] describe this scenario from start to finish. Because of the length of this

1 description, the Applicant does not reproduce it here in its entirety, but does
2 reproduce portions of this description below.

3 Turning to claims 16 and 25, the Applicant reproduces part of
4 Paragraph [0084] for convenience:
5

6 [0084] When the doctor is available, server 101 interrupts Steve's
7 access to links in the virtual waiting room and connects the
8 videoconference. As the videoconference begins, the doctor becomes
9 convinced that like many patients that day, Steve's cold has developed
10 into a secondary bronchitis. Reviewing the medical history and talking
11 with Steve, the doctor is confident that Steve will benefit from a short
12 course of an antibiotic and mild cough suppressant/expectorant
13 combination. He reviews Steve's record and finds no contradiction for
14 prescribing Erythromycin. Steve instructs the doctor to send the
15 prescription directly to the on-line pharmacy which will then deliver the
16 prescription to Steve's office by the end of the day. Steve also asks
17 about high blood pressure and the doctor advises him concerning periodic
18 checks of his blood pressure numbers.

19 The Applicant submits that the foregoing description of the doctor
20 reviewing Steve's medical history and records to diagnose Steve's condition as
21 secondary bronchitis and to prescribe an appropriate antibiotic enables the features
22 recited in claims 16 and 25.

23 Turning to claims 17 and 26, the Applicant notes that Paragraph [0084] as
24 reproduced above describes how Steve may instruct an on-line pharmacy to deliver
25 the prescribed medications directly to Steve's office by the end of the day. In light

1 of this description, the Applicant submits that the above description fully enables
2 the features described in claims 17 and 26.

3 Turning to claims 18 and 27, the Applicant notes that Paragraph [0084] as
4 reproduced above describes how the doctor diagnoses Steve's condition based on
5 Steve's reported symptoms, and based on similar symptoms reported by other
6 patients. In light of this description, the Applicant submits that the above
7 description fully enables the features described in claims 17 and 26.
8

9
10 The Applicant submits that the specification fully enables the features
11 recited in claims 16-18 and 25-27, and requests reconsideration and withdrawal of
12 the § 112, 1st paragraph, rejections of claims 16-18 and 25-27.

13
14 Rejections under 35 U.S.C. § 112, 2nd Paragraph

15 Paragraph 11 of the Action stated rejections of claims 1-27 under 35
16 U.S.C. § 112, 2nd paragraph, as failing to particularly point out and distinctly claim
17 the subject matter which applicant regards as the invention. The Applicant
18 respectfully traverses these rejections for the reasons stated below.
19

20 Paragraph 12 of the Action cited portions of claims 1 and 19 as allegedly
21 being indefinite. Turning first to claim 1, without conceding the propriety of the
22 stated rejections, and only to advance the prosecution of this matter, the Applicant
23 has clarified certain features recited in claim 1. For convenience, the Applicant
24 has reproduced portions of claim 1 here, with revisions shown in redline:
25

1 “determining a user type associated with the service request;
2 providing a menu of service request options corresponding to the
3 determined user type;
4 receiving a ~~selected~~ selection of one of the service request options
5 from the user;
6 determining a service response to the service request based on
7 information related to the user;
8 providing personal services to the user in accordance with the
9 selected service request option and the determined service response; and
10 recording interactions while providing the ~~selected~~ selection service
11 ~~request option; and”~~

12 The Applicant requests reconsideration and withdrawal of the § 112, 2nd
13 paragraph, rejection of claim 1. Similar clarifications are made to claim 19, and
14 the above comments directed to claim 1 apply equally to claim 19.

16 Paragraph 13 of the Action cited portions of **claims 11 and 12** as allegedly
17 being indefinite. Without conceding the propriety of the stated rejection, and only
18 to advance the prosecution of this matter, the Applicant has amended claim 11 to
19 clarify the computer-implemented method.

21 For convenience, the Applicant reproduces claim 11 here, with redlines
22 shown:
23
24
25

1 “11. (Currently Amended) The computer implemented method
2 according to claim 9, further comprising ~~the steps of:~~

3 ~~calculating service usage by storing data that is generated during a~~
4 service session in which the service request is processed, and classifying
5 the data by user, service type, and outcomes; and

6 providing calculated service usage to an administrator.”
7
8

9 The Applicant submits that the revisions to claim 11 are fully supported
10 under § 112, 1st paragraph, at least by Paragraph [0089] of the specification. The
11 Applicant requests consideration of the revisions to claim 11, and reconsideration
12 and withdrawal of the § 112, 2nd paragraph, rejection of claim 11.

13 Claim 12 depends from claim 11, and the foregoing comments directed to
14 claim 11 apply equally to claim 12.

15 Paragraph 14 of the Action cited portions of **claims 16-18** as allegedly
16 being indefinite. Without conceding the propriety of the stated rejection, and only
17 to advance the prosecution of this matter, the Applicant has amended claim 16 to
18 clarify the computer-implemented method.
19
20
21
22
23
24
25

1 For convenience, claims 16-18 are reproduced below, with revisions shown
2 in redline:

3
4
5 “16. (Currently Amended) The computer implemented method
6 according to claim 2, wherein the service response is determined based on
7 information related to ~~the~~ a medical history of the ~~user~~ patient.

8
9 17. (Currently Amended) The computer implemented method
10 according to claim 2, wherein the service response is determined based on
11 information related to a work schedule of the ~~user~~ patient.

12
13 18. (Currently Amended) The computer implemented method
14 according to claim 2, wherein the service response is determined based on
15 information related to an estimated condition of the ~~user~~ patient.”

16 Claims 16-18 depend from **claim 2**, which has been clarified as indicated
17 here:

18 “2. (Currently Amended) The computer implemented method
19 according to claim 1, wherein the personal services comprise[[s]]
20 healthcare related services, wherein the groups are respective employers,
21 wherein the user is an employee of one of the employers and is receiving
22 the healthcare related services; and

23 further comprising delivering at least one healthcare-related
24 recommendation to the user, wherein the communication is defined based
25 on rules applicable to the interactions.”

1 The Applicant submits that the above clarifications to the claims, along with
2 the extensive working example provided in the specification from
3 Paragraphs [0081] through [0088], describing Steve's on-line visit with his
4 physician, overcome the § 112, 2nd paragraph, rejections stated in Paragraph 14 of
5 the Action.

6 Paragraph 15 of the Action stated rejections of claims 1-27 under 35 U.S.C.
7 § 112, 2nd paragraph, as being incomplete for omitting essential steps, such
8 omission amounting to a gap between the steps. The Action cited MPEP
9 § 2172.01, which the Applicant reproduces here for convenience, with italics
10 added by the Applicant:

11 **2172.01 Unclaimed Essential Matter [R-1]**

12 A claim which omits matter disclosed to be essential to the invention *as described in the*
13 *specification or in other statements of record* may be rejected under 35 U.S.C. 112, first
14 paragraph, as not enabling. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).
15 See also MPEP § 2164.08(c). Such essential matter may include missing elements, steps
16 or necessary structural cooperative relationships of elements described by the
17 applicant(s) as necessary to practice the invention.

18 In addition, a claim which fails to interrelate essential elements of the invention *as*
19 *defined by applicant(s) in the specification* may be rejected under 35 U.S.C. 112, second
20 paragraph, for failure to point out and distinctly claim the invention. See *In re Venezia*,
21 530 F.2d 956, 189 USPQ 149 (CCPA 1976); *In re Collier*, 397 F.2d 1003, 158 USPQ
22 266 (CCPA 1968). >But see *Ex parte Nolden*, 149 USPQ 378, 380 (Bd. Pat. App. 1965)
23 ("[I]t is not essential to a patentable combination that there be interdependency between
24 the elements of the claimed device or that all the elements operate concurrently toward
25 the desired result"); *Ex parte Huber*, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965) (A
claim does not necessarily fail to comply with 35 U.S.C. 112, second paragraph where
the various elements do not function simultaneously, are not directly functionally related,
do not directly intercooperate, and/or serve independent purposes.).<

21 As clearly stated in the italicized portions of the MPEP above, the
22 "essential" matter must have been described as such in the specification or in other
23 statements of record. However, the Applicant has not described any subject matter
24 as "essential", neither in the specification nor in any other statements of record.
25 Thus, the Applicant submits that MPEP § 2172.01 does not apply to claims 1-27.

1 On at least this basis, the Applicant requests consideration and withdrawal of the
2 § 112, 2nd paragraph, rejections of claims 1-27.

3 Paragraph 16 of the Action cited the term “administrator/administration”
4 appearing anywhere in the claims, as allegedly being indefinite. In response, the
5 Applicant submits that the term “administrator” is fully supported and defined, for
6 example, in connection with the “administrator computers” 111 as illustrated in
7 Figure 1. Additionally, the term “administrator” is described in Paragraphs [0059],
8 [0062]-[0063], [0066], and [0071]. The term “administration” is fully supported in
9 Figure 2, as illustrated by the menu items shown under block 211, and as described
10 in Paragraphs [0074] and [0075].

11 In light of this teaching in the Applicant’s specification and drawings, the
12 Applicant submits that the claim terms “administrator” and “administration” would
13 be readily understood by those of skill in the art. On at least this basis, the
14 Applicant requests consideration and withdrawal of the § 112, 2nd paragraph,
15 rejections of the claims as stated in Paragraph 16 of the Action.

16 Paragraph 17 of the Action cited the term “communication” as allegedly
17 being indefinite. In response, the Applicant submits that the term
18 “communication” as it appears in, for example, claim 4 is fully supported by the
19 specification. For instance, Figure 4 illustrates items that may appear on a service
20 provider menu, and illustrates three forms of communication: email,
21 videoconference, and phone. Figure 4 is described at least in Paragraph [0080].

22 In light of this teaching in the Applicant’s specification and drawings, the
23 Applicant submits that the claim term “communication” would be readily
24 understood by those of skill in the art. On at least this basis, the Applicant requests
25 consideration and withdrawal of the § 112, 2nd paragraph, rejections of the claims

1 as stated in Paragraph 17 of the Action.

2 Paragraph 18 of the Action cited the term “service partner” as allegedly
3 being indefinite. In response, the Applicant submits that the term “service partner”
4 as it appears in, for example, claims 3 and 8 is fully supported by the specification.
5 For instance, Figure 2 illustrates a service partner at block 220, and illustrates
6 examples of items that may be included in a menu that is presented to a service
7 partner. For example, this menu may include new items, a query capability, and a
8 data upload capability. Block 220 is described at least in Paragraph [0078], which
9 is reproduced below:

10 [0078] If the request is not from a research service as determined at
11 step 217, then at step 220 the system determines if the request comes
12 from a service partner or information provider computer 109. If so, at
13 step 221 server computer 101 transmits a message to display the service
14 partner or information provider menu. Figure 2 illustrates a sample menu
15 to include news, or a performance query used by the information provider
16 to determine how well its information is serving the needs of the user
17 community. A response to such a query from the server computer would
18 include suitability and assessment information which the information
19 provider can evaluate. Another option is for the information provider to
20 upload knowledge content to the server 101 in the form of data or other
21 information. If at step 220 the server computer determines that no user
22 type corresponds to the service request received, an error message is
23 transmitted to the computer generating the request as shown at step
24 223.
25

22 In light of this teaching in the Applicant’s specification and drawings, the
23 Applicant submits that the claim term “service partner” would be readily
24 understood by those of skill in the art. On at least this basis, the Applicant requests
25 consideration and withdrawal of the § 112, 2nd paragraph, rejections of the claims

1 as stated in Paragraph 18 of the Action.

2 Paragraph 19 of the Action cited the terms “outcome data/information” as
3 allegedly being indefinite. In response, the Applicant submits that the terms
4 “outcome information” or “outcome data” as they appear in, for example,
5 claims 9, 10, 21, and 22 are fully supported by the specification. For instance,
6 Paragraphs [0065] and [0066] describe “outcomes research”, as well as rules and
7 outcome information.

8 In light of this teaching in the Applicant’s specification, the Applicant
9 submits that the claim terms “outcome information” or “outcome data” would be
10 readily understood by those of skill in the art. On at least this basis, the Applicant
11 requests consideration and withdrawal of the § 112, 2nd paragraph, rejections of the
12 claims as stated in Paragraph 19 of the Action.

13 Paragraph 21 of the Action stated rejections of claim 16 for antecedent
14 basis issues. Claim 16 is amended as indicated above to recite “a medical history
15 of the user”. On at least this basis, the Applicant requests consideration and
16 withdrawal of the § 112, 2nd paragraph, rejections of claim 16 as stated in
17 Paragraph 21 of the Action.

18 Rejections under 35 U.S.C. § 102

19 Paragraph 23 of the Action stated rejections of claims 1-3, 9-12, and 16-23,
20 and 25-27 as being anticipated under 35 U.S.C. § 102(b) as being anticipated by
21 U.S. Patent No. 5,911,132 to Sloane (“Sloane”). The Applicant respectfully
22 traverses these rejections.

23 Turning first to **independent claim 1**, without conceding the propriety of
24 the stated rejections, and without conceding that Sloane provides the teaching for
25 which it is cited, the Applicant has amended claim 1 as indicated above to clarify

1 further features of the computer implemented method. For convenience, the
2 Applicant reproduces claim 1 here, with revisions shown in redline:

3
4 “1. (Currently Amended) A computer implemented method of
5 providing personal services over a computer network to members of at
6 least one of a plurality of predefined groups, the method comprising ~~the~~
7 ~~steps of:~~

8 receiving a service request from a user who is a member of one of
9 the groups;

10 determining a user type associated with the service request;

11 providing a menu of service request options corresponding to the
12 determined user type;

13 receiving a ~~selected~~ selection of one of the service request options
14 from the user;

15 determining a service response to the service request based on
16 information related to the user;

17 providing personal services to the user in accordance with the
18 selected service request option and the determined service response; ~~and~~

19 recording interactions while providing the ~~selected~~ selection ~~service~~
20 ~~request option~~; and

21 presenting statistical information related to the interactions to an
22 administrator associated with the one group.”
23
24
25

1 The Applicant submits that the specification fully supports the revisions to
2 claim 1. More particularly, Paragraph [0055] describes “members of at least one
3 of a plurality of predefined groups,” and Paragraph [0062] describes “presenting
4 statistical information related to the interactions to an administrator associated with
5 the one group.”

6 Turning to the cited art, Sloane pertains generally to a method using a
7 central epidemiological database. While Sloane’s Figure 1 illustrates a patient 11,
8 Sloane appears to treat each patient on a standalone basis. As such, the Applicant
9 submits that Sloane does not disclose “receiving a service request from a user who
10 is a member of one of the groups”, as recited in claim 1.

11 Additionally, the Applicant submits that Sloane does not disclose
12 “presenting statistical information related to the interactions to an administrator
13 associated with the one group”, as recited in claim 1. As discussed above, Sloane
14 does not disclose grouping its patients, and also does not disclose an administrator
15 associated with such groups.

16 On at least this basis, the Applicant submits that Sloane does not support a
17 § 102 rejection of claim 1, and requests consideration and withdrawal of the
18 § 102(b) rejection of claim 1.

19 **Claims 2-3, 9-12, and 16-18** depend directly or indirectly from claim 1, and
20 stand rejected on similar grounds. Accordingly, the above comments directed to
21 claim 1 apply equally to these dependent claims.

22 In addition to the foregoing comments directed to claim 2, the Applicant
23 has also amended claim 2 to clarify additional features of the computer
24 implemented method. For convenience, the Applicant reproduces claim 2 here,
25 with revisions shown in redline:

1 “2. (Currently Amended) The computer implemented method
2 according to claim 1, wherein the personal services comprise[[s]]
3 healthcare related services, wherein the groups are respective employers,
4 wherein the user is an employee of one of the employers and is receiving
5 the healthcare related services ; and
6 further comprising delivering at least one healthcare-related
7 recommendation to the user, wherein the communication is defined based
8 on rules applicable to the interactions.”

9
10 The Applicant submits that the specification fully supports the revisions to
11 claim 2. More particularly, Paragraph [0055] describes “groups [that] are
12 respective employers, wherein the user is an employee of one of the employers and
13 is receiving the healthcare related services,” and Paragraph [0066] describes
14 “delivering at least one communication to a recipient, wherein the communication
15 is defined based on rules applicable to the interactions.”

16 Turning to Sloane, the Applicant submits that Sloane does not disclose at
17 least the features recited above in claim 2. On at least this basis, the Applicant
18 submits that Sloane does not support a § 102 rejection of claim 2, and requests
19 consideration and withdrawal of the § 102(b) rejection of claim 2 and all claims
20 depending therefrom.

21 Turning to **independent claims 19 and 20**, the Applicant has amended
22 claims 19 and 20 to clarify additional features of the computer readable storage
23 medium and the system, respectively. The revisions to claims 19 and 20 are
24 similar to the revisions to claim 1 that were discussed above. Thus, the above
25 comments directed above to claim 1 apply equally to claims 19 and 20.

1 On at least this basis, the Applicant submits that Sloane does not support
2 § 102 rejections of claims 19 and 20, and requests consideration and withdrawal of
3 the § 102(b) rejections of claims 19 and 20, and all claims depending therefrom.

4 Claims 21-23 and 25-27 depend from claim 20, and the foregoing
5 comments directed to claim 20 apply equally to claims 21-23 and 25-27. On at
6 least this basis, the Applicant submits that Sloane does not support § 102 rejections
7 of claims 21-23 and 25-27, and requests consideration and withdrawal of the
8 § 102(b) rejections of claims 21-23 and 25-27.

9 Rejections under 35 U.S.C. § 103

10 Paragraph 36 of the Action stated rejections of claims 4-8 under 35 U.S.C.
11 § 103(a) as being unpatentable over Sloane. The Applicant respectfully traverses
12 these rejections.

13 Claims 4-8 depend from independent claim 1, which was discussed above.
14 Therefore, the comments directed to claim 1 above apply equally to claims 4-8.
15 More specifically, the Applicant submits that Sloane not only fails to support a
16 § 102 rejection of claim 1, but also fails to support a § 103 rejection of claims 4-8.

17 On at least this basis, the Applicant submits that Sloane does not support
18 § 103 rejections of claims 4-8, and requests consideration and withdrawal of the
19 § 103 rejections of claims 4-8.

20 Paragraph 37 of the Action stated rejections of claims 13-15 and 24
21 under 35 U.S.C. § 103(a) as being unpatentable over Sloane. The Applicant
22 respectfully traverses these rejections.

23 Claims 13-15 depend from independent claim 1, which was discussed
24 above. Therefore, the comments directed to claim 1 above apply equally to claims
25 13-15. More specifically, the Applicant submits that Sloane not only fails to

1 support a § 102 rejection of claim 1, but also fails to support a § 103 rejection of
2 claims 13-15.

3 Claim 24 depends from independent claim 20, which was discussed above.
4 Therefore, the comments directed to claim 20 above apply equally to claim 24.
5 More specifically, the Applicant submits that Sloane not only fails to support a
6 § 102 rejection of claim 1, but also fails to support a § 103 rejection of claim 24.

7 On at least this basis, the Applicant submits that Sloane does not support
8 § 103 rejections of claims 13-15 and 24, and requests consideration and
9 withdrawal of the § 103 rejections of claims 13-15 and 24.

10 **Conclusion**

11 The Applicant respectfully requests favorable action on elected claims 1-27
12 at the earliest convenience of the Office. If personal discussion would advance
13 prosecution of this application, the Office is urged to contact the undersigned
14 attorney before issuing a subsequent Action.

15
16 Date: 12 JUN 06

Respectfully Submitted

17 By: 

Rocco L. Adornato
Reg. No. 40,480
(509) 324-9256; x257
Lee & Hayes, pllc